

By: Leach

H.B. No. 2005

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing accelerated instruction and eliminating
3 certain requirements for public school grade-level promotion that
4 are based on satisfactory performance on state assessment
5 instruments.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. The heading to Section 28.0211, Education Code,
8 is amended to read as follows:

9 Sec. 28.0211. ACCELERATED LEARNING COMMITTEE [~~SATISFACTORY~~
10 ~~PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED~~]; ACCELERATED
11 INSTRUCTION.

12 SECTION 2. Section 28.0211, Education Code, is amended by
13 amending Subsections (a), (a-1), (a-3), (c), (f), (i), (k), and (n)
14 and adding Subsections (f-1) and (f-2) to read as follows:

15 (a) A district shall establish an accelerated learning
16 committee described by Subsection (c) for each student who does not
17 perform satisfactorily on:

18 (1) the third grade mathematics or reading assessment
19 instrument under Section 39.023;

20 (2) [Except as provided by Subsection (b) or (c), a
21 student may not be promoted to:

22 [(1) the sixth grade program to which the student
23 would otherwise be assigned if the student does not perform
24 satisfactorily on] the fifth grade mathematics or [~~and~~] reading

1 assessment instrument [~~instruments~~] under Section 39.023; or

2 (3) [~~(2)~~] ~~the ninth grade program to which the student~~
3 ~~would otherwise be assigned if the student does not perform~~
4 ~~satisfactorily on~~] the eighth grade mathematics or [~~and~~] reading
5 assessment instrument [~~instruments~~] under Section 39.023.

6 (a-1) Each time a student fails to perform satisfactorily on
7 an assessment instrument administered under Section 39.023(a) in
8 the third, fourth, fifth, sixth, seventh, or eighth grade, the
9 school district in which the student attends school shall provide
10 to the student accelerated instruction in the applicable subject
11 area. Accelerated instruction may require participation of the
12 student before or after normal school hours, [~~and~~] may include
13 participation at times of the year outside normal school
14 operations, and may be provided to the student during the
15 subsequent school year.

16 (a-3) The commissioner shall provide guidelines to
17 districts on research-based best practices and effective
18 strategies that a district may use in developing an accelerated
19 instruction program. The commissioner may provide to districts
20 available resources concerning research-based best practices and
21 effective strategies that a district may use in developing an
22 accelerated instruction program.

23 (c) [~~Each time a student fails to perform satisfactorily on~~
24 ~~an assessment instrument specified under Subsection (a), the school~~
25 ~~district in which the student attends school shall provide to the~~
26 ~~student accelerated instruction in the applicable subject area,~~
27 ~~including reading instruction for a student who fails to perform~~

1 ~~satisfactorily on a reading assessment instrument.]~~ After a
2 student fails to perform satisfactorily on an assessment instrument
3 specified under Subsection (a) ~~[a second time]~~, an accelerated
4 learning ~~[a grade placement]~~ committee shall be established ~~[to~~
5 ~~prescribe the accelerated instruction the district shall provide to~~
6 ~~the student before the student is administered the assessment~~
7 ~~instrument the third time]~~. The accelerated learning ~~[grade~~
8 ~~placement]~~ committee shall be composed of the principal or the
9 principal's designee, the student's parent or guardian, and the
10 teacher of the subject of an assessment instrument on which the
11 student failed to perform satisfactorily. The district shall
12 notify the parent or guardian of the time and place for convening
13 the accelerated learning ~~[grade placement]~~ committee and the
14 purpose of the committee. ~~[An accelerated instruction group~~
15 ~~administered by a school district under this section may not have a~~
16 ~~ratio of more than 10 students for each teacher.]~~

17 (f) An accelerated learning ~~[A school district shall~~
18 ~~provide to a student who, after three attempts, has failed to~~
19 ~~perform satisfactorily on an assessment instrument specified under~~
20 ~~Subsection (a) accelerated instruction during the next school year~~
21 ~~as prescribed by an educational plan developed for the student by~~
22 ~~the student's grade placement]~~ committee described by ~~[established~~
23 ~~under]~~ Subsection (c) shall:

24 (1) develop an educational plan for the student that
25 provides the necessary accelerated instruction for the student to
26 achieve appropriate grade level performance; and

27 (2) provide other assistance to the student in

1 accordance with a policy adopted by the district board of trustees
2 prescribing the role of accelerated learning committees in that
3 district. [~~The district shall provide that accelerated instruction~~
4 ~~regardless of whether the student has been promoted or retained.~~]

5 (f-1) The educational plan developed under Subsection
6 (f)(1) must be designed to enable the student to perform at the
7 appropriate grade level by the conclusion of the subsequent school
8 year. During the school year, the student shall be monitored to
9 ensure that the student is progressing in accordance with the plan.
10 The district shall administer to the student the assessment
11 instrument for the grade level in which the student is placed at the
12 time the district regularly administers the assessment instruments
13 for that school year.

14 (f-2) If a student who fails to perform satisfactorily on an
15 assessment instrument specified under Subsection (a) fails in the
16 subsequent school year to perform satisfactorily on an assessment
17 instrument in the same subject, the superintendent of the district
18 or the superintendent's designee shall meet with the student's
19 accelerated learning committee to:

20 (1) identify the reason the student did not perform
21 satisfactorily; and

22 (2) determine, in order to ensure the student performs
23 satisfactorily on the assessment instrument at the next opportunity
24 for the student to be administered the assessment instrument,
25 whether:

26 (A) the educational plan developed for the
27 student under Subsection (f) must be modified to provide the

1 necessary accelerated instruction for that student; and

2 (B) any additional resources are required for
3 that student.

4 (i) The admission, review, and dismissal committee of a
5 student who participates in a district's special education program
6 under Subchapter A, Chapter 29, and who does not perform
7 satisfactorily on an assessment instrument specified under
8 Subsection (a) and administered under Section 39.023(a) or (b) must
9 meet before the student is administered the assessment instrument
10 for the second time. The committee shall determine[+]

11 [~~(1)~~] the manner in which the student will participate
12 in an accelerated instruction program under this section[+, and

13 [~~(2) whether the student will be promoted in~~
14 ~~accordance with Subsection (i-1) or retained under this section].~~

15 (k) The commissioner shall adopt rules as necessary to
16 implement this section[, ~~including rules concerning when school~~
17 ~~districts shall administer assessment instruments required under~~
18 ~~this section and which administration of the assessment instruments~~
19 ~~will be used for purposes of Section 39.054].~~

20 (n) A student who fails to perform satisfactorily on an
21 assessment instrument specified under Subsection (a) and is
22 promoted to the next grade level [~~by a grade placement committee~~
23 ~~under this section]~~ must be assigned at that next grade level in

24 each subject in which the student failed to perform satisfactorily
25 on an assessment instrument specified under Subsection (a) to a
26 teacher who meets all state and federal qualifications to teach
27 that subject and grade.

1 SECTION 3. Section 39.301(c), Education Code, is amended to
2 read as follows:

3 (c) Indicators for reporting purposes must include:

4 (1) the percentage of graduating students who meet the
5 course requirements established by State Board of Education rule
6 for:

7 (A) the foundation high school program;

8 (B) the distinguished level of achievement under
9 the foundation high school program; and

10 (C) each endorsement described by Section
11 28.025(c-1);

12 (2) the results of the SAT, ACT, and certified
13 workforce training programs described by Chapter 311, Labor Code;

14 (3) for students who have failed to perform
15 satisfactorily, under each performance standard under Section
16 39.0241, on an assessment instrument required under Section
17 39.023(a) or (c), the performance of those students on subsequent
18 assessment instruments required under those sections, aggregated
19 by grade level and subject area;

20 (4) for each campus, the number of students,
21 disaggregated by major student subpopulations, that take courses
22 under the foundation high school program and take additional
23 courses to earn an endorsement under Section 28.025(c-1),
24 disaggregated by type of endorsement;

25 (5) the percentage of students, aggregated by grade
26 level, provided accelerated instruction under Section 28.0211
27 [~~28.0211(c)~~], the results of assessment instruments administered

1 under that section, [~~the percentage of students promoted through~~
2 ~~the grade placement committee process under Section 28.0211,~~] the
3 subject of the assessment instrument on which each student failed
4 to perform satisfactorily under each performance standard under
5 Section 39.0241, and the performance of those students in the
6 subsequent school year [~~following that promotion~~] on the assessment
7 instruments required under Section 39.023;

8 (6) the percentage of students of limited English
9 proficiency exempted from the administration of an assessment
10 instrument under Sections 39.027(a)(1) and (2);

11 (7) the percentage of students in a special education
12 program under Subchapter A, Chapter 29, assessed through assessment
13 instruments developed or adopted under Section 39.023(b);

14 (8) the percentage of students who satisfy the college
15 readiness measure;

16 (9) the measure of progress toward dual language
17 proficiency under Section 39.034(b), for students of limited
18 English proficiency, as defined by Section 29.052;

19 (10) the percentage of students who are not
20 educationally disadvantaged;

21 (11) the percentage of students who enroll and begin
22 instruction at an institution of higher education in the school
23 year following high school graduation; and

24 (12) the percentage of students who successfully
25 complete the first year of instruction at an institution of higher
26 education without needing a developmental education course.

27 SECTION 4. Sections 28.0211(a-2), (b), (d), (e), (i-1), and

1 (i-2), Education Code, are repealed.

2 SECTION 5. This Act applies beginning with the 2019-2020
3 school year.

4 SECTION 6. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2019.